

Serial No.: 10/632,051  
Docket No.: ST02009CIP1 (245-US-CIP1)

### REMARKS

Currently, claims 1-33 are pending in the present application. Applicant is traversing the 35 U.S.C §103(a) rejection of the claims. Applicant believes that this Office Action Response add no new matter.

#### Response to 35 U.S.C. §103(a) Rejection

The Examiner rejected claims 1-13 under 35 U.S.C. 103(a) as being unpatentable by Kerth et al (US 2002/0132648) in view of Molnar (US2002/0142741). The Examiner cites to Kerth for teaching that "the transceiver disables the transmitter circuitry during the receiver mode of operation" and that "the clock signal CKN and CKP are turned off when the transmitter circuitry is transmitting signal" (see [0096, 0097]). The Examiner then goes on to make the statement that one skilled in the art would recognize that the "disable of transmitter circuitry" would associate with power consumption of the RF section in the similar way as disclosed by Molnar.

But, the Kerth patent states in paragraph [0096] that "[a]s noted above, the transceiver disables the transmitter circuitry during the receive mode of operation." There is no mention or suggestion of power consumption in the Kerth patent. More importantly, there Kerth patent is not suggesting or teaching powering down the transmitter circuitry, but rather DISABLING the transmitter circuitry. Thus, one skilled in the art would not look to DISABLING the transmitter as being associated with power consumption. If anything, a person skilled in the art may look at the transceiver of the Kerth patent as reusing some of the circuits for both transmitting and receiving while other circuits are disabled.

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Therefore, the combination of the Kerth patent with the Molnar patent fails to teach all of Applicant's claim limitation. The Kerth patent describes disabling circuits when the mode of the transceiver is changed from receive to transmit, not changing communicating a power control message associated with the power consumption of the RF section and there is no motivation to combine the references or likelihood of success in combining the different approaches because elements would still be missing. Thus, claim 1 is in condition for allowance and claims 2-13 that depend from allowable independent claim 1 are also in condition for allowance.

The Examiner also rejected claims 14-20 and 22-33 under 35 U.S.C. 103(a) as being unpatentable by Kerth et al (US 2002/0132648) in view of Molnar (US2002/0142741) and in further view of Syrjarine et al (US 2003/0107514). Applicant repeats the above remarks herein with regards to the Kerth patent and in view of the Molnar patent.

Therefore, the combination of the Kerth patent with the Molnar patent is lacking elements of Applicant's claims that are not taught or suggested by the Syrjarine patent. Thus claims 14, 22, and 28 are in condition for allowance along with the claims that depend from the allowable independent claims 15-21, 23-27, and 28-33 are in condition for allowance.

#### **Allowable Subject Matter**

The Examiner indicated that dependent claim 21 has allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for such finding, but believes claim 21 to also be allowable in its current form because it depends from an allowable independent claim.

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### **Double Patent**

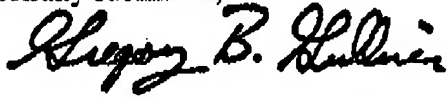
The Examiner has issued a provisional nonstatutory obviousness-type double patenting rejection. Because the claim may change in either of the applications alleviating the need for a terminal disclaimer, Applicant will wait until the claims are in condition for allowance to file a terminal disclaimer to overcome this rejection.

### **Conclusion**

In view of the foregoing discussion, Applicants respectfully submits that claims 1-33 as now presented are in a condition for allowance, for which action is earnestly solicited.

Respectfully submitted,

By

  
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